

**UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

JOHN A. PATTERSON, et al.,

*Plaintiffs,*

v.

DEFENSE POW/MIA ACCOUNTING  
AGENCY, et al.,

*Defendants.*

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Civil Action No. SA-17-CV-467-XR

**SCHEDULING ORDER**

The disposition of this case will be controlled by the following order. If a deadline set in this order falls on a weekend or a holiday, the effective day will be the next business day.

**EXPERTS**

The deadline for motions objecting to the reliability of an expert's proposed testimony under Federal Rule of Evidence 702 is March 8, 2019.

**WITNESS LIST, EXHIBIT LIST, AND PRETRIAL DISCLOSURES**

The deadline for filing Rule 26(a)(3) disclosures is September 10, 2019.

The deadline for filing objections under Rule (26)(a)(3) is September 24, 2019. Any objections not made will be deemed waived.

**COMPLETION OF DISCOVERY**

The deadline for the completion of discovery, other than written discovery, is February 15, 2019. The deadline for completion of all discovery is April 12, 2019.

**PRETRIAL MOTIONS**

No motion (other than a motion in limine) may be filed after this date except for good cause. The deadline to file motions is June 28, 2019.

The deadline for Defendants' motion for summary judgment is April 12, 2019.

The deadline for Plaintiffs' opposition to Defendants' motion for summary judgment and any cross-motion for summary judgment is May 3, 2019.

The deadline for Defendants' reply in support of summary judgment and opposition to any cross-motion for summary judgment is May 17, 2019.

The deadline for Plaintiffs' reply in support of any cross-motion for summary judgment is May 31, 2019.

### **JOINT PRETRIAL ORDER AND MOTION IN LIMINE**

The deadline to file a Final Joint Pretrial Order and any motion in limine is August 16, 2019.

All attorneys are responsible for preparing the Final Joint Pretrial Order, which must contain the following:

- (1) a short statement identifying the Court's jurisdiction. If there is an unresolved jurisdictional question, state it;
- (2) a brief statement of the case, one that the judge could read to the jury panel for an introduction to the facts and parties;
- (3) a summary of the remaining claims and defenses of each party;
- (4) a list of facts all parties have reached agreement upon;
- (5) a list of contested issues of fact;
- (6) a list of the legal propositions that are not in dispute;
- (7) a list of contested issues of law;
- (8) a list of all exhibits expected to be offered. Counsel will make all exhibits available for examination by opposing counsel. All documentary exhibits must be exchanged before the final pre-trial conference. The exhibit list should clearly reflect whether a particular exhibit is objected to or whether there are no objections to the exhibit;
- (9) a list of the names and addresses of witnesses who may be called with a brief statement of the nature of their testimony;
- (10) an estimate of the length of trial;
- (11) for a jury trial, include (a) proposed questions for the voir dire examination, and (b) a proposed charge, including instructions, definitions, and special interrogatories, with authority;
- (12) for a nonjury trial, include (a) proposed findings of fact and (b) proposed conclusions of law, with authority;

(13) the signatures of all attorneys; and

(14) a place for the date and the signature of the presiding judge.

**FINAL PRETRIAL CONFERENCE**

The Final Pretrial Conference shall be held on October 3, 2019 at 9:30 a.m.

Motions in limine, if any, will be heard on this date. Counsel should confer prior to this hearing on any issues raised in a motion in limine or the Joint Pretrial Order. Any party intending to use a demonstrative exhibit should provide the same to opposing counsel at least 3 days prior to the Final Pretrial conference so that if any objections or issues are raised about the demonstrative exhibit, they can be addressed at the final pretrial conference.

**TRIAL**

The Bench Trial Date is October 15, 2019 at 9:30 a.m.

It is so ORDERED.

SIGNED this 4th day of October, 2018.

A handwritten signature in black ink, appearing to read 'Xavier Rodriguez', written over a horizontal line.

XAVIER RODRIGUEZ  
UNITED STATES DISTRICT JUDGE